

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 13, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 06od-181

OAHU

Issuance of Direct Lease to Stevan M. Bailey for Private  
Noncommercial Pier Purposes, Kaneohe, Koolauloko, Oahu, Tax  
Map Key: (1) 4-7-30:18 seaward

APPLICANT:

Stevan M. Bailey, unmarried, tenant in severalty, whose mailing  
address is 47-253 Miomio Loop, Kaneohe, Hawaii 96744.

LEGAL REFERENCE:

Act 261, SLH 2000; Act 129, SLH 2005.

LOCATION:

Portion of Government lands situated at Kaneohe, Koolauloko,  
Oahu, identified by Tax Map Key: (1) 4-7-30:18 seaward, as shown  
on the attached map labeled Exhibit A.

AREA:

408 square feet, more or less, to be determined by the Department  
of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO  X

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Private noncommercial pier purposes.

LEASE TERM:

Fifty-five (55) years

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by staff appraiser based on the Kaneohe Bay Piers Amnesty Program methodology, but utilizing the assessed land value for the City & County of Honolulu fiscal year July 1, 2006 to June 30, 2007, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

CDUA OA-3345 approved on August 24, 2006.

DCCA VERIFICATION:

Individual property owner, not applicable.

APPLICANT REQUIREMENTS:

Applicant shall be required to provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost (Applicant already submitted).

REMARKS:

Applicant has an existing lease (GL 5847) for a private noncommercial pier abutting his parcel at the subject location. Applicant plans to build an additional floating pier further offshore in deeper water suitable for the draft of his sailboat. A gangplank to access the proposed floating pier is also proposed. The proposed floating pier will be placed about 25 feet offshore in order to achieve the necessary water depth for the applicant's boat. See Exhibit B, "new dock and gangway area."

Office of Conservation and Coastal Lands (OCCL) reviewed the request, and CDUA OA-3345 was subsequently approved on August 24, 2006. A copy of the approval is attached as Exhibit C.

Pursuant to Act 261, SLH 2000 and Act 129, SLH 2005, the Board is authorized to issue a direct lease for a private noncommercial pier purposes without obtaining the prior approval of the .

Governor and the Legislature.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

In addition to the agencies that were solicited for comments during the CDUA stage, staff requested Office of Hawaiian Affairs (OHA) to comment on the subject request. OHA has not responded as of the suspense date.

Applicant is aware that the subject pier lease will be appraised on the current assessed value, i.e. the assessed land value for the City & County of Honolulu fiscal year July 1, 2006 to June 30, 2007.

There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board:

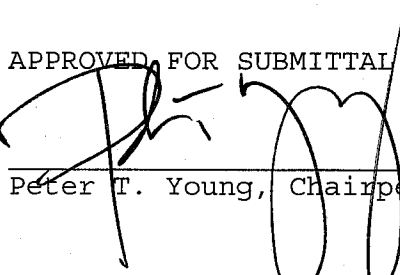
Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a direct lease to Stevan M. Bailey covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

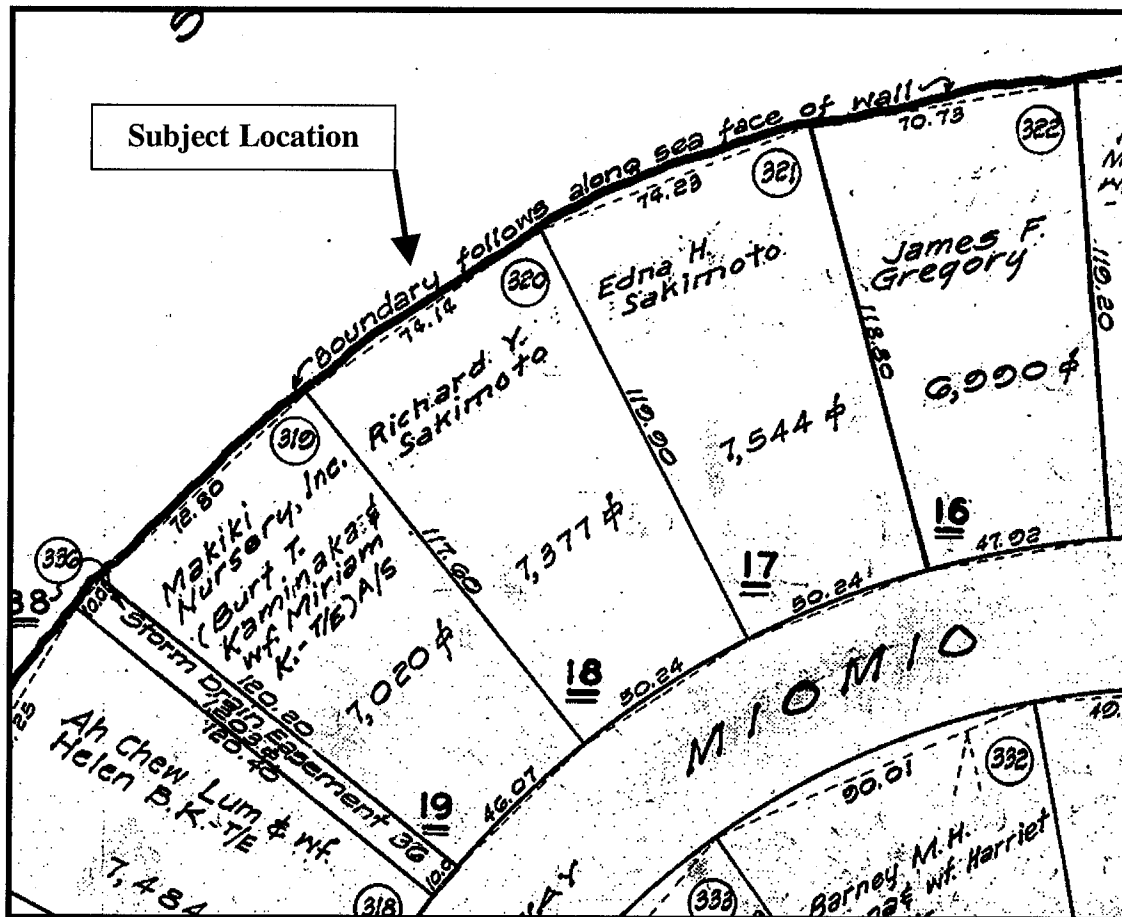
- A. The standard terms and conditions of the most current private noncommercial pier lease document form, as may be amended from time to time;
- B. Review and approval by the Department of the Attorney General; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
Barry Cheung  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Peter T. Young, Chairperson



TMK (1) 4-7-30:18 seaward


EXHIBIT A

KANEOHE BAY

Wood pier

**TRUE NORTH**

(87.5 sq. ft.)

3129.46 N  
435.42 W  
"HEEIA" 

278°05' —  
14.24

14.21

1

275

05' 15"

14

10

6

186°F

96'

1.

11

1

6-06 11/1

100

.W

---

Fronting Lot 320 Land Court Application 979  
Shown in Map 29

Scale in Feet

0      5      10      15

TMK: 4-7-30:18

**Bathymetric Suvey 4-26-06**  
**Contours in Feet MLLW**

# RESIDENTIAL NON-COMMERCIAL PIER AND SEAWALL EASEMENT

Fronting Lot 320 Land Court Application 979  
Shown in Map 29

Kaneohe, Koolaupoko, Oahu, Hawaii

**EXHIBIT "B"**

LARRY LITTLE  
GOVERNOR OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT

ROBERT K. MARUDA  
DEPUTY DIRECTOR - LAND

DEAN NAKANO  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
HAWAIIAN AND OTHER BIRDS  
BUTTERFLY CONSERVATION  
COMMISSION ON WATER RESOURCES MANAGEMENT  
COASTAL WATER AND COASTAL LANDS  
CONSERVATION AND RECREATION  
HAWAIIAN  
NATURAL RESOURCES  
LAND  
STATE OF HAWAII

REF:OCCL:TM

CDUP: OA-3345

James H. Barry, Coastal Engineer  
Sea Engineering, Inc.  
Makai Research Pier  
Waimanalo, Hawaii 96795

AUG 25 2006

Dear Mr. Barry,

SUBJECT: Conservation District Use Permit (CDUP) OA-3345

This letter is to inform you that on August 24, 2006, the Chairperson of the Board of Land and Natural Resources, pursuant to Chapter 13-5, Hawaii Administrative Rules, approved Conservation District Use Application OA-3345 for a floating dock and gangway located makai of 47-253 Miomio Loop, Kahala'u, State submerged lands of Kaneohe Bay, on the island of Oahu, TMK (1) 4-7-030:018 subject to the following conditions:

- 1) The applicant shall comply with all applicable statutes ordinances, rules, and regulations of the Federal, State and County governments, and the applicable parts of Section 13-5-42, Hawaii Administrative Rules;
- 2) The applicant, their successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, their successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- 3) The applicant shall comply with all applicable Department of Health administrative rules;
- 4) All mitigation measures set forth in the application materials for this project are hereby incorporated as conditions of the permit;
- 5) Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;

EXHIBIT "C"

James H. Barry  
Sea Engineering Inc.

CDUP: OA-3345

- 6) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- 7) In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 8) Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- 9) The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
- 10) During construction, appropriate mitigation measures shall be implemented to minimize impacts to the marine environment, off-site roadways, utilities, and public facilities;
- 11) Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
- 12) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 13) The applicant shall obtain a land disposition from the Oahu District Land Office for the use of State land;
- 14) The applicant shall provide documentation (e.g., book and page, or document number) that the permit approval has been placed in recordable form as a part of a deed instrument, prior to submission for approval of subsequent construction plans;
- 15) Other terms and conditions as may be prescribed by the Chairperson; and

08/25/2006 15:34 8082598143

SEA ENGINEERING

PAGE 04

08/25/2006 08:29 FAX 8085870322

OCCL

0001

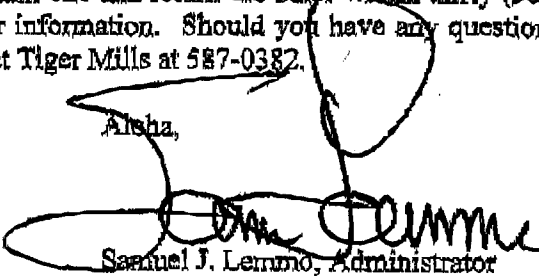
James H. Barry  
Sea Engineering Inc.

CDUP: OA-3345

- 16) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. A copy of the Staff report is included for your information. Should you have any questions on any of these conditions, please feel free to contact Tiger Mills at 587-0382.

Aloha,

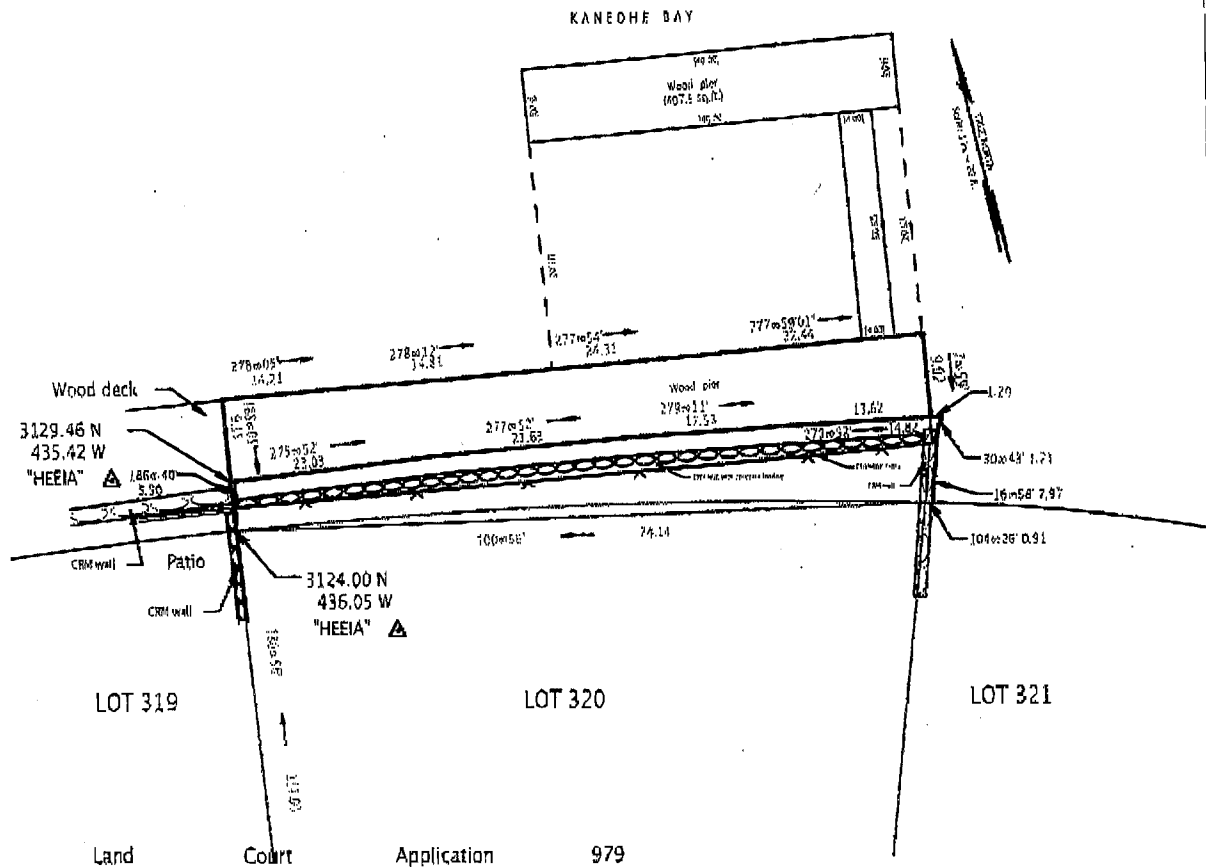
  
Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands

Receipt acknowledged:

  
Applicant's Signature

Date 8.29.06

c: Chairperson  
Oahu Board Member  
Oahu District Land Office  
City and County of Oahu, Department of Planning and Permit



(Map 29)

# RESIDENTIAL NON-COMMERCIAL PIER AND SEAWALL EASEMENT

Fronting Lot 320 Land Court Application 979  
Shown in Map 29

Kaneohe, Koolauloko, Oahu, Hawaii

TMK: 4-7-30:18  
Owner: Stovan Bailey  
17-258 Milomio Loop

7.00 x 10.00